

FILED

APRIL 10, 1984

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

By: Michael S. Karpoff
Deputy Attorney General
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
Tel: (201) 648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

In the Matter of the Suspension)
or Revocation of the License of)

FRANCIS V. NATALE, D.C.)

To Practice Chiropractic in the)
State of New Jersey)

Administrative Action

COMPLAINT

IRWIN I. KIMMELMAN, ATTORNEY GENERAL OF NEW JERSEY, by
Michael S. Karpoff, Deputy Attorney General, with offices located
at 1100 Raymond Boulevard, Newark, New Jersey, on the basis of
information and belief, by way of complaint says:

COUNT I

1. Complainant, Attorney General of New Jersey, is charged
with enforcing the laws of the State of New Jersey pursuant to
N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative
disciplinary proceedings against persons licensed by the Board
of Medical Examiners pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Medical Examiners is
charged with the duty and responsibility of regulating the practice
of chiropractic in the State of New Jersey, pursuant to
N.J.S.A. 45:9-1 et seq.

3. Respondent, Francis V. Natale, D.C., is licensed to practice chiropractic in the State of New Jersey, holding license number 1267, and has been a licensee at all times pertinent to this complaint.

4. Between January 14, 1980 and December 14, 1981, Respondent treated a patient identified as S.G. for lower back pain a total of 190 times, which number of treatments was unduly excessive.

5. Respondent took unnecessary X-rays of S.G.'s cervical region.

6. Respondent failed to check S.G.'s spinal range of motion in a manner other than by X-rays.

7. Respondent misdiagnosed S.G.'s condition.

8. Respondent failed to properly document the necessity for treatment.

9. Respondent negligently attempted to treat a condition of S.G. by chiropractic manipulation although the condition was not treatable by such manipulation.

10. The aforesaid conduct by Respondent constitutes gross negligence, gross malpractice and/or gross incompetence within the meaning of N.J.S.A. 45:1-21(c) and/or repeated acts of negligence, malpractice, and/or incompetence within the meaning of N.J.S.A. 45:1-21(d) and therefore constitutes grounds for disciplinary action by the Board of Medical Examiners against Respondent.

COUNT II

1. Complainant repeats the allegations of Count I in their entirety and makes them a part hereof as if set forth at length.

2. Respondent submitted a false report of S.G.'s condition to S.G.'s insurance carrier, Connecticut General Life Insurance Co.

3. Respondent made a false diagnosis of S.G.'s condition and treated him an unduly excessive number of times although S.G.'s condition was not amenable to chiropractic treatment.

4. Respondent submitted a claim to Connecticut General Life Insurance Co. for a total of \$2,749 for S.G.'s treatments.

5. The aforesaid conduct by Respondent constitutes the use of dishonesty and fraud within the meaning of N.J.S.A. 45:1-21(b) and/or professional misconduct within the meaning of N.J.S.A. 45:1-21(e) and therefore constitutes grounds for disciplinary action by the Board of Medical Examiners against Respondent.

WHEREFORE, Complainant respectfully demands that the Board of Medical Examiners:


1. Suspend or revoke the license of Respondent, Francis V. Natale, D.C. to practice chiropractic in the State of New Jersey;

2. Assess civil penalties in accordance with N.J.S.A. 45:9-22 and N.J.S.A. 45:1-25;

3. Assess costs of this action, including investigation costs;

4. Order such other relief as the Board may deem just and appropriate.

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

By: 
Michael S. Karpoff
Deputy Attorney General

Dated: April 2, 1984.

FILED

APRIL 10, 1984

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Michael S. Karpoff
Deputy Attorney General
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
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BOARD OF MEDICAL EXAMINERS
DOCKET NO.

In the Matter of the Suspension)	
or Revocation of the License of)	
)	Administrative Hearing
FRANCIS V. NATALE, D.C.)	
)	NOTICE OF HEARING
To Practice Chiropractic in the)	AND
State of New Jersey)	NOTICE TO ENTER PLEA

TO: FRANCIS V. NATALE, D.C.
139 Godwin Avenue
Midland Park, New Jersey 07432


TAKE NOTICE that a Complaint, a copy annexed, has been made to the New Jersey State Board of Medical Examiners to consider the matter of the suspension or revocation of your license to practice chiropractic pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-1 et seq., 45:1-14 et seq., and related administrative regulations. The Board requires you to enter a plea to the above charges within twenty (20) days from service of the Complaint. You may enter a plea by mail to the addresses below.

A plea of guilty or non vult will indicate that you do not contest the charges stated, thus rendering unnecessary any hearing in this proceeding. Your case will then be presented to the State Board of Medical Examiners together with any written matter you may submit with your plea in alleged mitigation of penalty, for a determination as to whether your license to practice should be suspended or

revoked or a lesser sanction imposed and whether monetary penalties shall be assessed and, if so, the amount thereof pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:1-14 et seq.

A plea of not guilty will result in a formal hearing being conducted at a date, time and place to be determined by the New Jersey State Board of Medical Examiners, which, upon notice to you, will hear the Complaint. Adjournments will not be granted except upon timely written application to the Board for good cause shown; any expenses incurred by the Board as a result thereof may be taxed to you. You may appear at the hearing either in person or by attorney or both and you shall be afforded an opportunity to make defense to any or all of the charges.

Failure to respond to this Notice of Hearing and Notice to Enter Plea or failure to appear as set forth herein may result in the matter being considered in your absence. A decision rendered by the Board may affect your privilege to practice your licensed profession in this State.



CHARLES A. JANOUSEK
Executive Secretary
State Board of Medical Examiners

Dated: *April 10, 1984*

Kindly address all correspondence to:

N. J. STATE BOARD OF MEDICAL EXAMINERS
28 WEST STATE STREET
TRENTON, NEW JERSEY 08608
TELE. NO. (609) 292-4843

with a copy to:

HONORABLE IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY
Attention: Michael S. Karpoff
Deputy Attorney General
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
Tel: (201) 648-4735